**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**

**AT HYDERABAD**

## HON'BLE Mr. JUSTICE R. SUBHASH REDDY

**Writ Petition No.26769 of 1996**

**Dated: December 14, 2006**

**Between:**

Sunkaraneni Balanarsaiah, S/o. Ramachandraiah, aged about 50 years, Occ: Agriculture, R/o. Khanapur village & Mandal, Warangal District, and others.

… Petitioners

And

The District Collector, Warangal District, Warangal, and others.

… Respondents

## Order:

Petitioners seek a Writ of Mandamus to declare the action of the respondents in issuing notice dated 02-12-1996 as illegal and arbitrary and a direction to the respondents to survey and fix the boundaries pursuant to the proceedings of the first respondent in Rc.No.K3/1245/1987 dated 30-03-1996.

2. Petitioners, three in number, along with 255 other members claim that they have been in longstanding possession of different extents of land totalling Ac.459.18 guntas forming part of Sy.No.562/1, Khanapur village and Mandal, Warangal District. It is stated that pursuant to their request, their claims were considered for grant of assignment as per the rules framed under G.O.Ms.No.1406 dated 26-07-1958 and finally, patta certificates were issued to them.

3. The grievance of the petitioners is that assignment was made in Sy.No.562/1 of Khanapur village, which totally comprises of Ac.698.14 guntas and in spite of grant of patta certificates; there is no clear demarcation of their lands. It is stated that there is no reason for issuing the impugned notice to conduct an enquiry in this regard.

4. Respondent No.3 has filed counter affidavit stating that pattas were given to 254 persons by the then Mandal Revenue Officer, Khanapur on 23-11-1993 illegally and thereafter an enquiry was conducted by the Joint Collecter, Warangal, wherein the patta certificates were declared to be bogus. It is further stated that the land in Sy.No.562/1 of Khanapur village is classified as 'Reserve Forest' and the control over this land still exists with the Forest Department. It is further stated that the file number mentioned in the patta certificates relates to issuance of caste certificates and petitioners were not issued any pattas as contended.

5. As much as the very issuance of pattas to the petitioners is denied, and the pattas on which the petitioners are relying are proved to be bogus after enquiry by the Joint Collector, petitioners are not entitled for any directions for demarcating the land, which is alleged to have been assigned to them. With reference to the notice dated

02-12-1996, it is to be seen that the same has not been issued to the petitioners, but it relates to the enquiry against the then Mandal Revenue Officer, Khanapur village and Mandal and hence, the petitioners are in no way affected by the said enquiry.

6. The Writ Petition is devoid of merits and is accordingly dismissed. No order as to costs.

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**JUSTICE R. SUBHASH REDDY.**

December 14, 2006
**MRR**